

Treasurer, Commissioner of the General Land Office, and of any other officer or officers, at the head of any of the Departments of the State Government at the seat of Government of the State and of assessors and collectors of taxes, and Treasurer of any county, give an opinion in writing in all cases touching the public interest or concerning the revenue or expenses of the State. Adopted.

A bill for the relief of John Smith, was ordered to be engrossed.

On motion of Mr. Hyde, the rule was suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Harman, Herbert, Hyde, Martin, Parsons, Pitts, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker, Wallace, and Whaley—25.

NAYS—Messrs. Guinn, Hart, Lott, Raines and Sims—5.

On motion of Mr. Townes, a bill to amend an act to define the duties of the Secretary of State passed May 9, 1846, was taken from the table.

Mr. Parsons offered a substitute, which was read and pending the question of its adoption.

On motion of Mr. Lott the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, January 17th, 1860.

Senate met pursuant to adjournment. Prayer by the Rev. Mr. Carden—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Walker presented the petition of sundry citizens of Dallas county. Referred to the committee on Private Land Claims.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports :

The Judiciary committee, have considered a bill to change the name of Susan Allford to Susan Bell, and permit Abigail Bell to adopt her. A majority of the committee are opposed to legislation like that proposed by the bill, but there are peculiar reasons alleged in this case which induce the committee to except it out of the general rule ; and I am therefore directed to return the bill to the Senate and recommend its passage.

The Judiciary committee have considered a House bill to remove the disabilities of minority from Tomas A. Rodriguez, and

to declare him of lawful age, and direct me to return the same to the Senate, and recommend that it do not pass. The committee think the proposed legislation inexpedient.

The Judiciary committee have considered a House bill, to incorporate the Galveston Casino, and direct me to return the same to the Senate and recommend its passage.

The Judiciary committee have considered a bill to amend the 2nd section of an act, better defining the marital rights of parties, approved March 1st, 1848, and direct me to return the same to the Senate and recommend that it do not pass. The object of the bill is to change the law defining marital rights, so as to make the increase of stock the separate property of the husband or wife owning the stock, as is the case with lands and slaves, and a majority of the committee do not think it wise or expedient so to do.

Mr. Throckmorton, chairman of the committee to whom was referred a House bill for the relief of G. B. Brownrigg, reported the bill back and recommended its passage.

A message was received from the House, that the House had passed the following bills :

A bill for the relief of John Hearn.

A bill for the relief of the heirs of Addison Sitton.

A bill to relieve Thomas D. Rusk of Nacogdoches county, and John W. Hanna of Lavaca county, from the disabilities of minority.

A bill for the relief of Bluford Garrett.

A bill for the relief of the heirs of Charles D. Ferris.

A bill for the relief of Richard N. Williams.

A bill to establish the time of holding the courts in the twelfth judicial district, and adopted the following resolution :

*Resolved*, "The Senate concurring" that in all cases where both Houses of the Legislature shall have ordered the translation of the same documents, the committees on Printing shall act jointly for this purpose.

Mr. Throckmorton introduced a bill to carry into effect the provisions and intent of an act entitled an act to relinquish the rights of the State to certain lands, therein named, approved February 10th, 1852. Read 1st and 2nd times and referred to the committee on the Judiciary.

#### ORDERS OF THE DAY.

A bill to apportion the State into Senatorial and Representative districts.

The question being on the adoption of the report of the committee.

Mr. Guinn moved a call of the Senate, which was sustained.

A bill to amend an act to define the duties of the Secretary of State, passed May 9th, 1846.

Question, the adoption of the substitute offered on yesterday.

Mr. Throckmorton moved the previous question, which was ordered, and the substitute adopted by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Guinn, Harman, Lott, Parsons, Pitts, Potter, Rainey, Scarborough, Shepard, Sims and Stockdale—15.

NAYS—Messrs. Gentry, Grimes, Hart, Herbert, Martin, Quinan, Rains, Schleicher, Throckmorton, Townes, Walker, Wallace and Whaley—13.

Mr. Townes offered the following amendment .

Amend 1st section, by striking out the words " the Librarian appointed by the Supreme court at Austin be authorized " and insert, " the Governor be empowered to appoint a Librarian."

Mr. Parsons moved to lay the amendment on the table.

Mr. Hart moved to lay the bill on the table, upon which Mr. Gentry moved a call of the Senate, which was sustained.

On motion of Mr. Potter, a bill to amend the ninth section of the act of May 13th, 1846, entitled an act defining the duties of district attorneys, was taken from the table.

Mr. Potter offered the following amendments :

Add at the end of the caption as follows : " and supplementary to said act."

Add the following as section 2 :

SECTION 2. It shall be the duty of the district attorney of the judicial district in which is situated the county of Travis, on the direction or request of the officer or officers at the head of any of the departments of the State government at the seat of government of the State, to attend to all suits, that may be pending at any time, in the district court of said county against any such officer or officers as the head of any such department in which the State of Texas, may be in any way interested, and as compensation for the increased service hereby required of said district attorney, he shall be paid two hundred and fifty dollars per annum, in addition to the regular salaries paid by the State to district attorneys, which increased salary shall be paid out of the State Treasury in like manner as provided by law for the payment of the regular salaries of district attorneys. Adopted, bill read 2nd time and ordered to be engrossed.

On motion of Mr. Potter, rule suspended, bill read 3rd time and passed.

Mr. Quinan, chairman of the committee on Education, by leave made the following report :

The committee on Education, to whom was referred the memorial of sundry citizens of Chappel Hill, praying the prohibition of the sale of ardent spirits in that neighborhood, have had the same under consideration, and instruct me to report:

The Soule University is located at Chappel Hill. It is a flourishing institution of learning, liberally endowed and embraces in its catalogue more than one hundred students from all parts of the State. It has been found by experience that the sale of spirituous liquors in the neighborhood of the college has an evil effect upon the discipline and influence of the institution, cases of excess have occurred among the students, which all the vigilance of the faculty have been unable to avert, and will be in future impotent to avert, if the sale of intoxicating drink is permitted so near the college precincts as to be readily accessible to the students.

The village of Chappel Hill is one, the prosperity of which has been promoted, and is in a great degree dependent upon the University. Whatever benefits that institution, will benefit the village. And your committee believe that the prohibition of the sale of ardent spirits within three miles of the college buildings, will be a great good to the village, to the college and to the community, and that it will exercise a salutary influence on the moral and intellectual training of young minds which fathers and guardians, have committed to the culture of the faculty and teachers of the institution. The committee therefore recommend the passage of the following bill :

A bill to prohibit the sale of intoxicating liquors in the neighborhood of Soule University. Read 1st time.

On motion of Mr. Quinan, the rule was suspended, bill taken up, read 2nd time and ordered to be engrossed.

On motion of Mr. Quinan, rule further suspended, bill read 3rd time and passed.

On motion of Mr. Rains, a bill for the relief of G. B. Brownrigg was taken up, read and passed to a 3rd reading ; rule suspended, read 3rd time and passed.

Mr. Gentry by leave introduced a bill to incorporate the Texas Cotton Seed Oil and Manufacturing Company. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill authorizing the corporation of Corsicana to tax ten pin alleys. Ordered to be engrossed, rule suspended, read 3rd time and passed.

A bill to amend an act amendatory of and supplemental to an

act to encourage the improvement of the navigation of the rivers, and other navigable waters of Texas, by making appropriations for the same, approved 23rd August, 1856, was ordered to be engrossed.

A bill to incorporate the Dallas Bridge Company. Ordered to be engrossed, rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Hart, Herbert, Lott, Martin, Parsons, Pitts, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker and Wallace—26.

NAYS—none.

The resolution of the House requiring the committees on Printing, to act jointly whenever the translation of the same document shall have been ordered, was on motion of Mr. Quinan, amended by inserting after the word "translation" the words "or printing."

Mr. Potter, chairman of the committee on the Judiciary, made the following reports :

The Judiciary committee have considered a bill, to amend an act to incorporate Bastrop Academy, and direct me to return the same to the Senate and recommend its passage.

The Judiciary committee have considered a House bill to incorporate the town of Shelbyville. The committee think the general law now providing for the incorporation of towns and cities sufficient without further legislation, and the committee are not willing to recommend a departure from its provisions without some good cause shown, I am therefore directed to return the bill to the Senate and recommend that it do not pass.

The Judiciary committee have considered a House bill, for the protection of game on Galveston Island, and direct me to return the same to the Senate and recommend its passage.

The Judiciary committee have considered a House bill, to relieve O. K. Gibson from the disability of minority, and permit him to practice law in the courts of this State. The committee think the proposed legislation unnecessary and inexpedient, and therefore direct me to return the same to the Senate and recommend that it do not pass.

The Judiciary committee have considered a House bill, to legalize the marriage of William H Slain and Margaret Slain, residents of Bosque county, and direct me to return the same to the Senate, and recommend its passage.

The Judiciary committee have considered a House bill, to in-

corporate the town of Meridian, in Bosque county in this State, and direct me to return the same to the Senate, and recommend that it do not pass. The committee see no reason for departing from the general law, for the incorporation of towns and cities.

The Judiciary committee have considered a House bill, to legalize the marriage between William Davis and Sarah James, and direct me to return the same to the Senate, and recommend its passage.

The Judiciary committee have considered a House bill, to authorize Caleb Wilson, James W. Pope and Fletcher Logan to practice law in this State. The committee think the proposed legislation unnecessary and inexpedient, and therefore direct me to return the same to the Senate, and recommend that it do not pass.

Mr. Schleicher by leave, presented the petition of Conrad Skimze. Referred to the committee on Claims and Accounts.

Mr. Schleicher presented the petition of Benjamin Reed. Referred to the committee on Private Land Claims.

Mr. Schleicher by leave, introduced a bill regulating surveys and subdivisions of land. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Schleicher by leave, introduced a bill to pay the company of W. R. Henry, styled the Uvalde Rangers, enrolled at the town of Uvalde, for protection against Indians. Read 1st and 2nd times and referred to the committee on Indian Affairs.

Mr. Shepard by leave, introduced a bill to incorporate the Texas Insurance and Saving Fund Company. Read 1st and 2nd times and referred to the committee on Agriculture.

Mr. Gentry offered the following resolution :

*Resolved*, The House of Representatives concurring, that the Legislature meet in joint session at 11 o'clock A. M., on Wednesday the 18th inst., for the purpose of electing a State Engineer. Referred to the committee on State Affairs.

Mr. Fall by leave, introduced a bill to incorporate the Nacogdoches Historic Association. Read 1st and 2nd times and referred to the committee on Education.

Mr. Blanch by leave, presented the petition of Thomas F. Swanson for relief. Referred to the joint committee on the Affairs.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, have examined the following bills, viz :

A bill to regulate and define the time of holding the district court in the several counties of the eighth judicial district.

A bill to amend the second section of an act to create the 20th judicial district of the State of Texas, approved January 2nd, 1860.

And a bill for the relief of H. C. Lazenby: said bills are correctly enrolled, properly signed, and were this day presented to the Governor.

On motion of Mr. Guinn, the call of the Senate on the apportionment bill was suspended.

The question on the adoption of the report of the committee was then taken and carried as follows :

YEAS—Messrs. Chambers, Dickinson, Erath, Fall, Gentry, Guinn, Harman, Hart, Herbert, Parsons, Paschal, Pitts, Potter, Quinan, Scarborough, Schleicher, Sims, Stockdale and Throckmorton—19.

NAYS—Messrs. Blanch, Grimes, Lott, Martin, Rains, Rainey, Townes, Walker, Wallace and Whaley—10.

Mr. Lott offered the following amendment :

Amend 1st section by striking out 33 and inserting 32 wherever it occurs.

Amend by striking out 12th district and insert " the counties of Smith, Wood and Van Zandt."

Amend 10th district by striking out " one Senator " and insert " two Senators."

Amend 2nd section, 10th district by striking out Cherokee and inserting " Smith."

Mr. Guinn moved to lay the amendment on the table.

Upon which the yeas and nays were called and stood thus :

YEAS—Messrs. Chambers, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Parsons, Pitts, Potter, Quinan, Scarborough, Shepard, Sims, Stockdale, Throckmorton and Townes—19.

NAYS—Messrs. Blanch, Dickinson, Lott, Martin, Paschal, Rains, Rainey, Walker and Wallace—9. Carried.

Mr. Stockdale offered the following amendment : which was adopted.

Strike out Atascosa, La Salle, Dimmitt, Zavalla and Frio from 29th and add to 30th district.

Mr. Throckmorton offered the following amendment :

Add Titus to the 16th district.

Mr. Parsons moved the previous question, which was withdrawn by him and renewed by Mr. Gentry, upon which Mr. Hart moved a call of the Senate, which was sustained.

Whereupon Mr. Guinn moved to adjourn until 10 o'clock to-morrow morning, which was carried.

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WEDNESDAY, January 18th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Walker, chairman of the committee on Public Lands, made the following reports :

The committee on Public Lands have considered the bill supplementary to an act supplementary to an act amendatory of an act to give to each corporate county of this State, its own county surveyor, maps and records, and to define the duties of surveyors, approved 26th January, 1858.

A majority of the committee have instructed me to return said bill to the Senate and to recommend its passage without amendment.

The Public Land committee have considered the petition of Kidder Walker, and seeing no good reason why the prayer of the petitioner should not be granted, have instructed me to return the petition together with the accompanying bill, to the Senate and to recommend the passage of the bill.

A bill to allow the assignees of John Henrick to lift from a location a certain land certificate. Read 1st time.

Mr. Walker, from the committee on Public Lands, made the following minority report :

The undersigned, a minority of the committee on Public Lands, having arrived at a different conclusion from that of the majority of the committee upon the bill granting lands to actual settlers, &c., beg leave to report :

That in the opinion of the undersigned the policy proposed towards the actual settlers upon the public lands of the State by the bill under consideration is judicious, wise and just, it proposed to donate to each actual settler, who may have heretofore or who shall settle upon and cultivate five acres and pay taxes thereon for the term of three years, two hundred acres of land. Texas has been settled with her present adventurous, hardy and enterprising population under the influence of the land grants made to actual settler, it has been her policy always, and under it almost the entire amount of lands granted by the State has been to settlers upon and soldiers, who have defended her soil.—The first settlers came to the country and received their titles